

ONTARIO REGULATION 544/94

GENERAL

PROPOSED AMENDMENTS TO QUALITY ASSURANCE REGULATION AND RATIONALE CHART (February 2017)

CURRENT REGULATION	PROPOSED AMENDMENTS	RATIONALE / COMMENTS
<p>GENERAL</p> <p>28. In this Part, “assessor” means an assessor appointed under section 81 of the Health Professions Procedural Code; “Committee” means the Quality Assurance Committee; “continuing education and professional activity” means a course, lecture, seminar or other professional activity in which a member participates as part of the credits component of the quality assurance program; “member” means a member who holds a general certificate of registration; “minimum number of credits” means the minimum number of credits of continuing education and professional activities required in accordance with the guidelines referred to in subsection 31 (1). O. Reg. 529/98, s. 1.</p>	<p>28. In this Part, “assessor” means an assessor appointed under section 81 of the Health Professions Procedural Code; “Committee” means the Quality Assurance Committee <u>required by subsection 10(1) of the Health Professions Procedural Code;</u> <u>“program” means the quality assurance program required by section 80 of the Health Professions Procedural Code;</u> <u>“stratified random sampling” means a sampling where groups of members are,</u> <u>(a) removed from the pool of members to be sampled, or</u> <u>(b) weighted to increase or decrease the likelihood of their being selected.</u> “continuing education and professional activity” means a course, lecture, seminar or other professional activity in which a member participates as part of the credits component of the quality assurance program; “member” means a member who holds a general certificate of registration; “minimum number of credits” means the minimum number of credits of continuing education and professional activities required in accordance with the guidelines referred to in subsection 31 (1). O. Reg. 529/98, s. 1.</p>	<p>Reference in the regulation to the specific Code section allows a registrant to review the relevant statutory provisions easily.</p> <p>The definition of “program” is intended to make it clear what “program” means and to avoid having to repeat the term, “quality assurance program” throughout the proposed regulation.</p> <p>The definition of “stratified random sampling” is intended to provide more clarity and transparency with respect to how registrants* are selected. For example, registrants who have just been assessed are taken out the candidate “pool” for five years. Therefore, while the remaining candidates are chosen randomly, it is not a “pure” random selection but instead a stratified random sampling.</p>

*“registrant” and “member” are used interchangeably throughout this document, however, the Regulation will be submitted using “member” being consistent with the rest of the RHPA legislation.

CURRENT REGULATION	PROPOSED AMENDMENTS	RATIONALE / COMMENTS
<p>29. (1) The Committee shall administer the quality assurance program, which shall include the following components:</p> <ol style="list-style-type: none"> 1. Professional portfolio. 2. Credits component. 3. Peer assessment and remediation of a member’s practice. 4. Remediation of behaviour and remarks of a sexual nature by a member towards a client. <p>(2) Every member shall participate in, and fulfil the requirements of, the quality assurance program. O. Reg. 529/98, s. 1.</p>	<p>29. This Part applies to all members of the College.</p>	<p>The RHPA requires that registrants participate in the Quality Assurance program, see section 30(2) below. This would include all registered members of either the general or inactive classes.</p>
PROFESSIONAL PORTFOLIO	PROFESSIONAL PORTFOLIO	
<p>30. (1) A member shall maintain a professional portfolio consisting of the self-assessment referred to in subsection (2) and a professional activity log which will contain a list of completed continuing education and professional activities.</p> <p>(2) A member shall complete a self-assessment document in a form provided by the College once every three years or at the request of the Committee.</p> <p>(3) A member shall submit the professional portfolio,</p> <ol style="list-style-type: none"> (a) to the Committee within 30 days after being requested to do so; or (b) to an assessor immediately upon request. O. Reg. 529/98, s. 1. 	<p>30. (1) A member shall maintain a professional portfolio consisting of the self-assessment referred to in subsection (2) and a professional activity log which will contain a list of completed continuing education and professional activities.</p> <p>—(2) A member shall complete a self-assessment document in a form provided by the College once every three years or at the request of the Committee.</p> <p>—(3) A member shall submit the professional portfolio,</p> <p>—(a) to the Committee within 30 days after being requested to do so; or</p> <p>—(b) to an assessor immediately upon request. O. Reg. 529/98, s. 1.</p>	<p>The mandatory requirement to participate in a self-assessment is now addressed in the new section 30 of the proposed regulation.</p> <p>The process and requirements for self-assessment will now be set out in a policy. This will allow the College to revise and enhance the requirements in a timely fashion in order to respond to changes in the practice environment and the profession.</p>

CURRENT REGULATION	PROPOSED AMENDMENTS	RATIONALE / COMMENTS
	<p>30. (1) The Committee shall administer the quality assurance program, which shall include the following components:</p> <p><u>1. Self-assessment, continuing education or professional development activities designed to,</u></p> <p><u>i. promote continuing competence and continuous quality improvement among the members,</u></p> <p><u>ii. promote interprofessional collaboration,</u></p> <p><u>iii. address changes in practice environments, and</u></p> <p><u>iv. incorporate standards of practice, advances in technology, changes made to entry to practice competencies and other relevant issues in the discretion of the Council.</u></p> <p>—1. Professional portfolio.</p> <p>—2. Credits component.</p> <p>3-2. Peer and <u>practice</u> assessments and remediation of a member's practice.</p> <p><u>4-3. A mechanism for the College to monitor members' participation in, and compliance with, the program.</u> Remediation of behaviour and remarks of a sexual nature by a member towards a client.</p> <p>(2) Every member shall participate in, and fulfil the requirements of, the quality assurance program. O. Reg. 529/98, s. 1.</p>	<p>Section 30(1) is intended to reflect the wording of s. 80.1 of the Code which sets out the minimum requirements for quality assurance programs.</p> <p>Paragraph 3 of section 30(1) is mandated by the Code and this wording provides the College with flexibility in overseeing member participation in the program.</p> <p>The reference to remediation of behaviour and remarks of a sexual nature has been removed because it is no longer in compliance with section 80.2 of the Code.</p> <p>Section 30(2) replaces the portions of sections 30 - 33 in the current regulation that make it mandatory for registrants in the general class to participate in the quality assurance program.</p>

CURRENT REGULATION	PROPOSED AMENDMENTS	RATIONALE / COMMENTS
CREDITS	CREDITS SELF-ASSESSMENT, CONTINUING EDUCATION OR PROFESSIONAL DEVELOPMENT ACTIVITIES	
<p>31. (1) A member shall participate in continuing education and professional activities set out in the guidelines published by the College and distributed to the members so as to accumulate, in every credit cycle, the minimum number of credits specified in the guidelines.</p> <p>(2) The guidelines referred to in subsection (1) shall set out a list of continuing education and professional activities for which a member may receive credits for the purposes of this Regulation, the number of credits which has been assigned to each activity and the minimum number of credits which a member must obtain in each credit cycle.</p> <p>(3) In this section and in section 32, “credit cycle” means,</p> <p>(a) in the case of a person who was a member before the day Ontario Regulation 529/98 comes into force, the period that began on January 1, 1997 and ends on October 31, 2000, the three-year period that begins on November 1, 2000 and every subsequent three-year period, and</p> <p>(b) in the case of a person who becomes a member or is reinstated as a member on or after the day Ontario Regulation 529/98 comes into force, the period that begins on the November 1 that follows the day the person becomes a member or is reinstated as a member and every subsequent three-year period.</p> <p>(4) Credits shall be assigned to a member only upon successful completion of an approved activity. O. Reg. 529/98, s. 1.</p>	<p>31. (1) A member shall participate in continuing education and professional activities set out in the guidelines published by the College and distributed to the members so as to accumulate, in every credit cycle, the minimum number of credits specified in the guidelines.</p> <p>—(2) The guidelines referred to in subsection (1) shall set out a list of continuing education and professional activities for which a member may receive credits for the purposes of this Regulation, the number of credits which has been assigned to each activity and the minimum number of credits which a member must obtain in each credit cycle.</p> <p>—(3) In this section and in section 32, “credit cycle” means,</p> <p>—(a) in the case of a person who was a member before the day Ontario Regulation 529/98 comes into force, the period that began on January 1, 1997 and ends on October 31, 2000, the three-year period that begins on November 1, 2000 and every subsequent three-year period, and</p> <p>—(b) in the case of a person who becomes a member or is reinstated as a member on or after the day Ontario Regulation 529/98 comes into force, the period that begins on the November 1 that follows the day the person becomes a member or is reinstated as a member and every subsequent three-year period.</p> <p>—(4) Credits shall be assigned to a member only upon successful completion of an approved activity. O. Reg. 529/98, s. 1.</p>	<p>This provision has been removed because the mandatory requirement to participate in continuing education is now addressed in the new section 31 of the proposed regulation.</p>
	<p>31. (1) Every member shall participate in self-assessment, continuing education or professional development activities annually in the form and manner approved by the Committee in order to maintain the knowledge, skill and judgment required to practise the profession in accordance with the standards of practice and ethics set by the College.</p> <p><u>(2) Members shall keep records of their participation in self-assessment, continuing education and professional</u></p>	<p>This provision replaces the old section 31 and sets out the requirements for self-assessment, continuing education or professional development activities.</p> <p>The regulation provides that members are required to undertake the specified self-assessment and education activity. By allowing the</p>

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	<p><u>development activities in the form and manner specified by the Committee and for the time period specified by the Committee.</u></p> <p><u>(3) At the request of the Committee, an assessor or a College employee, a member shall provide to the Committee, the assessor or the College employee, within the time period specified in the request, or where no time period is specified, within 30 days after receiving the request,</u></p> <p style="padding-left: 40px;"><u>(a) complete and accurate information, in the manner and form specified by the Committee, about the member's self-assessment, continuing education or professional development activities; and</u></p> <p style="padding-left: 40px;"><u>(b) the member's self-assessment, continuing education or professional development activity records described in subsection (23).</u></p> <p><u>(4) The Committee may refer a member to a peer and practice assessment, where in the opinion of the Committee, the member's records that are required to be kept under subsection (2) are not complete, are inadequate or are not submitted within the time requested.</u></p>	<p>Committee to specify the precise details, this will allow the College to revise and enhance the requirements in a timely fashion in order to respond to changes in the practice environment and the profession.</p> <p>Subsection 31(3) allows the Committee a method to verify the participation of their members in the quality assurance program.</p> <p>After reviewing the records required to be kept under this section, if the Committee believes the members has not kept adequate records, or they are not submitted on time, then the Committee has a mechanism to do a more fulsome assessment of the member's practice.</p>
<p>32. (1) A member shall provide the Registrar with proof of having accumulated the minimum number of credits in each credit cycle, no later than on the December 31 that follows</p>	<p>32. (1) A member shall provide the Registrar with proof of having accumulated the minimum number of credits in each credit cycle, no later than on the December 31 that follows</p>	<p>This provision has been replaced with the new section 31.</p> <p>As well, the specificity in the existing</p>

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<p>the end of a credit cycle.</p> <p>(2) The proof referred to in subsection (1) shall be in the form provided by the Registrar. O. Reg. 529/98, s. 1.</p>	<p>the end of a credit cycle.</p> <p>—(2) The proof referred to in subsection (1) shall be in the form provided by the Registrar. O. Reg. 529/98, s. 1.</p>	<p>provision is not appropriate for regulation; this is an administrative process.</p>
<p>33. (1) The Registrar shall mail a notice of default to a member at his or her address shown on the register if,</p> <p>(a) the member fails to provide the Registrar with proof of having accumulated the minimum number of credits within the time frame required under subsection 32 (1); or</p> <p>(b) the member has submitted the proof referred to in clause (a) and the proof indicates that the member has not accumulated the minimum number of credits within the time frame required under subsection 32 (1).</p> <p>(2) A member who receives notice of default under clause (1) (a) shall, within 30 days of receipt of the notice, provide the Registrar with the required proof.</p> <p>(3) If the proof provided by a member under subsection (2) indicates that the member has failed to accumulate the minimum number of credits within the time frame required under subsection 32 (1), the Registrar shall mail a second notice of default to a member at his or her address shown on the register.</p> <p>(4) A member who receives notice of default under clause (1) (b) or subsection (3) may, within 30 days of receipt of the notice, make a written submission to the Committee.</p> <p>(5) If, after considering any submission made by a member under subsection (4), the Committee is satisfied that the member has not completed the minimum number of credits within the time frame required under subsection 32 (1), it may make one or more of the following orders:</p> <ol style="list-style-type: none"> 1. Subject to section 37, direct the Registrar to impose terms, conditions or limitations for a period not exceeding six months on the member's certificate of registration. 2. Grant the member an extension in order that the member may complete the minimum number of 	<p>33. (1) The Registrar shall mail a notice of default to a member at his or her address shown on the register if,</p> <p>—(a) the member fails to provide the Registrar with proof of having accumulated the minimum number of credits within the time frame required under subsection 32 (1); or</p> <p>—(b) the member has submitted the proof referred to in clause (a) and the proof indicates that the member has not accumulated the minimum number of credits within the time frame required under subsection 32 (1).</p> <p>—(2) A member who receives notice of default under clause (1) (a) shall, within 30 days of receipt of the notice, provide the Registrar with the required proof.</p> <p>—(3) If the proof provided by a member under subsection (2) indicates that the member has failed to accumulate the minimum number of credits within the time frame required under subsection 32 (1), the Registrar shall mail a second notice of default to a member at his or her address shown on the register.</p> <p>—(4) A member who receives notice of default under clause (1) (b) or subsection (3) may, within 30 days of receipt of the notice, make a written submission to the Committee.</p> <p>—(5) If, after considering any submission made by a member under subsection (4), the Committee is satisfied that the member has not completed the minimum number of credits within the time frame required under subsection 32 (1), it may make one or more of the following orders:</p> <ol style="list-style-type: none"> —1. Subject to section 37, direct the Registrar to impose terms, conditions or limitations for a period not exceeding six months on the member's certificate of registration. —2. Grant the member an extension in order that the member may complete the minimum number of 	<p>This provision has been removed; the process and requirements for continuing education are found in section 31 now. As well, this level of specificity is not appropriate for a regulation; this is an administrative process.</p>

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<p>credits and submit the proof required under subsection 32 (1) to the Registrar.</p> <p>3. If the Committee is satisfied that there are extenuating circumstances such as an extended leave of absence for illness or a maternity or parental leave of absence, grant the member an exemption from having to complete the minimum number of credits within the three-year period referred to in subsection 32 (1).</p> <p>4. Direct that the member undergo a peer assessment.</p> <p>(6) If the extension granted under paragraph 2 of subsection (5) elapses without the member having completed the minimum number of credits, the Committee may, subject to section 37, direct the Registrar to impose terms, conditions or limitations for a period not exceeding six months on the member's certificate of registration.</p> <p>(7) Terms, conditions or limitations that are imposed on a member's certificate of registration under paragraph 1 of subsection (5) or subsection (6) shall be lifted by the Registrar if the member provides the Registrar with satisfactory proof of having completed the minimum number of credits. O. Reg. 529/98, s. 1.</p>	<p>credits and submit the proof required under subsection 32 (1) to the Registrar.</p> <p>3. If the Committee is satisfied that there are extenuating circumstances such as an extended leave of absence for illness or a maternity or parental leave of absence, grant the member an exemption from having to complete the minimum number of credits within the three-year period referred to in subsection 32 (1).</p> <p>4. Direct that the member undergo a peer assessment.</p> <p>(6) If the extension granted under paragraph 2 of subsection (5) elapses without the member having completed the minimum number of credits, the Committee may, subject to section 37, direct the Registrar to impose terms, conditions or limitations for a period not exceeding six months on the member's certificate of registration.</p> <p>(7) Terms, conditions or limitations that are imposed on a member's certificate of registration under paragraph 1 of subsection (5) or subsection (6) shall be lifted by the Registrar if the member provides the Registrar with satisfactory proof of having completed the minimum number of credits. O. Reg. 529/98, s. 1.</p>	
<p>PEER ASSESSMENT</p>	<p>PEER AND PRACTICE ASSESSMENT AND REMEDIATION</p>	
<p>34. (1) Each year the College shall select at random the names of members required to undergo a peer assessment.</p> <p>(2) A member is required to undergo a peer assessment if,</p> <p>(a) his or her name is selected at random;</p> <p>(b) the member has been referred to the Committee by the Executive Committee or Complaints Committee;</p> <p>(c) the member has failed to successfully complete the minimum number of credits before the end of the credit cycle defined in subsection 31 (3) and is directed to undergo an assessment by the Committee; or</p> <p>(d) the member has failed to submit proof of having successfully completed the minimum number of credits in accordance with section 32 and is directed to undergo an assessment by the Committee.</p> <p>(3) The purpose of a peer assessment is to evaluate</p>	<p>34. 32. (1) Each year the College shall select members at random the names of members required to undergo a peer and practice assessment in order to assess whether the members' knowledge, skill and judgment are satisfactory.</p> <p>(2) A member is required to undergo a peer and practice assessment if,</p> <p>(a) his or her name is selected at random, including by stratified random sampling;</p> <p>(b) the member has been selected on the basis of criteria specified by the Committee and published on the College's website at least three months before a member is selected on the basis of that criteria ; referred to the Committee by the Executive Committee or</p>	<p>Section 32(1) clarifies the Committee's obligation to select registrants annually to undergo peer and practice assessments.</p> <p>Sections 32(2)(a),(b),(c) and (d) set out new, expanded criteria for requiring registrants to undergo a peer and practice assessment. The existing section 34(b) has been removed because referral to the Quality Assurance is no longer permitted by the Executive Committee or ICRC.</p>

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<p>whether the member’s knowledge, skills and judgment are satisfactory, as may be demonstrated by the member’s adherence to the standards of practice of the profession and respect for the College’s code of ethics.</p> <p>(4) The Committee shall appoint an assessor to conduct the peer assessment and inform the member who is to be assessed of the assessor’s name.</p> <p>(5) The member may, upon receiving the name of the assessor and before the assessment begins, request that the Committee appoint a different assessor.</p> <p>(6) The Committee may appoint a different assessor at the member’s request. O. Reg. 529/98, s. 1.</p>	<p>Complaints Committee;</p> <p>(c) the member has <u>been asked to provide to the Committee, an assessor or a College employee records of the member’s self-assessment, continuing education and or professional development activities and the member has not provided such records or the records demonstrate that the member has not engaged in adequate self-assessment, continuing education or professional development activities; or failed to successfully complete the minimum number of credits before the end of the credit cycle defined in subsection 31(3) and is directed to undergo an assessment by the Committee; or</u></p> <p>(d) the member has <u>been assessed previously and the Committee concludes that another peer and practice assessment should be conducted.</u> failed to submit proof of having successfully completed the minimum number of credits in accordance with section 32 and is directed to undergo an assessment by the Committee.</p> <p>(3) The purpose of a peer and practice assessment may include, but is not limited to, is to evaluate whether the member’s knowledge, skills and judgment are satisfactory, as may be demonstrated by the member’s adherence to the standards of practice of the profession and respect for the College’s code of ethics. requiring the member to complete an evaluation tool in the form and manner specified in the notice advising the member of the requirement;</p> <p>(a) <u>inspecting the premises where the member practises and his or her records of client care;</u></p> <p>(b) <u>interviewing or surveying persons with whom the member works and the member’s clients;</u></p>	<p>The proposed revisions to section 34(3) (which are now in proposed section 32(3)) provide more clarity on what may be included in a peer and practice assessment.</p>

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	<p>(c) <u>requiring the member to answer, orally or in writing, questions that relate to the member's practice;</u></p> <p>(d) <u>requiring the member to participate in one or more evaluations of the member's knowledge, skill and judgment, including evaluations such as simulated situations, case studies, peer assessment or practice setting reviews; and</u></p> <p>(e) <u>reviewing the member's self-assessment, continuing education and or professional activity records.</u></p> <p>(4) The Committee shall appoint an assessor to conduct the peer and practice assessment and inform the member who is to be assessed of the assessor's name.</p> <p>(5) The member may, upon receiving the name of the assessor and before the assessment begins, request that the Committee appoint a different assessor.</p> <p>(6) The Committee may appoint a different assessor at the member's request. O. Reg. 529/98, s. 1.</p>	
<p>35. (1) The assessor shall prepare an assessment report and submit it to the Committee and the member who was assessed.</p> <p>(2) A member who is the subject of a report made under subsection (1) may make submissions to the Committee within 30 days of receiving a copy of the report.</p> <p>(3) After the time for making submissions under subsection (2) has elapsed, and after considering the assessment report and any submissions made, the Committee may, if the report indicates that the knowledge, skills or judgment of the member are unsatisfactory,</p> <p>(a) make recommendations to the member respecting improvements in his or her practice;</p> <p>(b) give the member the opportunity to correct any deficiencies in his or her practice identified in the assessment report;</p>	<p>35. 33. (1) The assessor shall prepare an written assessment report and submit provide it to the Committee and the member who was assessed.</p> <p>(2) A member who is the subject of a report made under subsection (1) may make submissions to the Committee within 30 days of receiving a copy of the report.</p> <p>(3) After the time for making submissions under subsection (2) has elapsed, and after considering the assessment report and any submissions made, the Committee may, if the report indicates that the knowledge, skills or judgment of the member are unsatisfactory, <u>After considering the assessment report and any submissions made, the Committee may, if the report indicates that the knowledge, skills or judgment of the member are not satisfactory, take any action listed in subsection 80.2(1) of the Health</u></p>	<p>This provision was changed to clarify that the assessor must provide the Committee with a written report.</p> <p>With statutory amendments coming into force in 2009, the Committee's powers were added to the Code (section 80.2). Therefore, it is no longer necessary to set out the Committee's options in regulation.</p> <p>The procedural safeguards that must be followed before any action is</p>

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<p>(c) direct the member to participate in and successfully complete a specified remedial or refresher course;</p> <p>(d) direct the member to obtain any assistance, that in the opinion of the Committee, is appropriate; or</p> <p>(e) take no further action.</p> <p>(4) A member with respect to whom the Committee makes a direction under clause (3) (c) or (d) shall comply with the direction.</p> <p>(5) If the Committee takes any action under clause (3) (a), (b), (c) or (d), the Committee may direct an assessor to conduct a follow-up peer assessment to determine whether the actions have resulted in the desired improvements being made within a reasonable time.</p> <p>(6) Subsections (1) to (4) apply with necessary modifications to a follow-up peer assessment referred to in subsection (5).</p> <p>(7) After considering a report of a follow-up assessment and any submissions made by the member to the Committee, the Committee may, if the report indicates that the knowledge, skills or judgment of the member are unsatisfactory, refer the member to the Executive Committee and give the Executive Committee any information about the member that it considers relevant, subject to section 83 of the Health Professions Procedural Code. O. Reg. 529/98, s. 1.</p>	<p><u>Professions Procedural Code if, before doing so, the Committee,</u></p> <p>(a) <u>gives to the member a copy of the assessor’s report;</u></p> <p>(b) <u>gives to the member notice of the Committee’s opinion and intention to take action;</u></p> <p>(c) <u>gives to the member notice of the member’s right to make written submissions to the Committee within a specified time period that is not less than 14 days after receipt of the notice; and</u></p> <p>(d) <u>after considering any submissions made by the member, is still of the opinion that the member’s knowledge, skill or judgment are not satisfactory.</u></p> <p>(a) — make recommendations to the member respecting improvements in his or her practice;</p> <p>(b) — give the member the opportunity to correct any deficiencies in his or her practice identified in the assessment report;</p> <p>(c) — direct the member to participate in and successfully complete a specified remedial or refresher course;</p> <p>(d) — direct the member to obtain any assistance, that in the opinion of the Committee, is appropriate; or</p> <p>(e) — take no further action.</p> <p>(4) A member with respect to whom the Committee makes a direction under clause (3) (c) or (d) shall comply with the direction.</p> <p>(53) If the Committee takes any action under clause (3) (a), (b), (c) or (d), <u>subsection (2)</u>, the Committee may direct an assessor to conduct a follow-up peer <u>and practice</u> assessment to determine whether the actions have resulted in the desired improvements being made within a</p>	<p>taken are set out in paragraphs 33(2)(a) through (d)</p> <p>The ability of the Committee to order a follow-up assessment is made clear with this provision.</p>

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	<p>reasonable time.</p> <p>(64) Subsections (1) to (4 2) apply with necessary modifications to a follow-up peer and practice assessment referred to in subsection (5 3).</p> <p>(7) After considering a report of a follow-up assessment and any submissions made by the member to the Committee, the Committee may, if the report indicates that the knowledge, skills or judgment of the member are unsatisfactory, refer the member to the Executive Committee and give the Executive Committee any information about the member that it considers relevant, subject to section 83 of the Health Professions Procedural Code. O. Reg. 529/98, s. 1.</p>	<p>The procedural safeguards that apply to an initial assessment also apply to a follow-up assessment.</p> <p>Section 35(7) has been removed as it is not in compliance with section 80.2 of the Code.</p>
<p>36. (1) If a member fails to successfully complete a remedial or refresher course as directed by the Committee under clause 35 (3) (c) or fails to obtain assistance as directed by the Committee under clause 35 (3) (d), the Committee may direct the Registrar to impose terms, conditions or limitations on a member's certificate of registration, for a period not exceeding six months.</p> <p>(2) The Committee may direct the Registrar to remove terms, conditions or limitations imposed under this section before the end of the specified period if the Committee is satisfied that the terms, conditions or limitations are no longer needed. O. Reg. 529/98, s. 1.</p>	<p>36. (1) If a member fails to successfully complete a remedial or refresher course as directed by the Committee under clause 35 (3) (c) or fails to obtain assistance as directed by the Committee under clause 35 (3) (d), the Committee may direct the Registrar to impose terms, conditions or limitations on a member's certificate of registration, for a period not exceeding six months.</p> <p>(2) The Committee may direct the Registrar to remove terms, conditions or limitations imposed under this section before the end of the specified period if the Committee is satisfied that the terms, conditions or limitations are no longer needed. O. Reg. 529/98, s. 1.</p>	<p>Section 36 has been removed as the current wording is not in compliance with section 80.2 of the Code.</p> <p>The authority to direct the Registrar to impose or remove terms, conditions or limitations is set out in section 80.2 of the Code and so is not needed in the regulation.</p>
<p>PROCEDURAL SAFEGUARDS</p>	<p>PROCEDURAL SAFEGUARDS</p>	
<p>37. (1) The Committee shall not make a direction to impose terms, conditions or limitations on a member's certificate of registration unless it gives the member at least 14 days notice of its intention to make the direction and of the member's right to make a written submission to the Committee.</p> <p>(2) A member who receives notice under subsection (1) may make a written submission to the Committee within 14</p>	<p>37. (1) The Committee shall not make a direction to impose terms, conditions or limitations on a member's certificate of registration unless it gives the member at least 14 days notice of its intention to make the direction and of the member's right to make a written submission to the Committee.</p> <p>(2) A member who receives notice under subsection (1) may make a written submission to the Committee within 14</p>	<p>The procedural safeguards before the Committee may take action are now set out in section 33(2) of the proposed regulation.</p>

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days of receiving the notice. O. Reg. 529/98, s. 1.	days of receiving the notice. O. Reg. 529/98, s. 1.	
REMEDICATION OF BEHAVIOUR OR REMARKS OF A SEXUAL NATURE	REMEDICATION OF BEHAVIOUR OR REMARKS OF A SEXUAL NATURE	
<p>38. (1) This section applies where a complaint or report is made alleging that a member has demonstrated behaviour or made remarks of a sexual nature towards a patient, the member has admitted to such behaviour or remarks and the matter is referred to the Committee by,</p> <ul style="list-style-type: none"> (a) a panel of the Complaints Committee under subsection 26 (3) of the Health Professions Procedural Code; or (b) by the Executive Committee, Complaints Committee or Board under section 79.1 of the Health Professions Procedural Code. <p>(2) If a matter respecting the member is referred to the Committee as provided in subsection (1), the Committee may require a member to undergo a psychological assessment or another assessment specified by the Committee.</p> <p>(3) After receiving the report of an assessment under subsection (2), the Committee may require the member to undertake specified measures, such as education, therapy or counselling, and to complete those measures within a specified time period if the Committee is of the opinion that the measures will help the member to refrain from the type of behaviour or remarks referred to in subsection (1).</p> <p>(4) The Committee shall not take any action under subsection (2) or (3) if,</p> <ul style="list-style-type: none"> (a) the matter has been referred to the Discipline Committee or a finding of sexual abuse has been made against the member by the Discipline Committee; or (b) the matter is before the Board or there has been a decision by the Board that is inconsistent with the referral to the Committee. O. Reg. 529/98, s. 1. 	<p>38. (1) This section applies where a complaint or report is made alleging that a member has demonstrated behaviour or made remarks of a sexual nature towards a patient, the member has admitted to such behaviour or remarks and the matter is referred to the Committee by,</p> <ul style="list-style-type: none"> — (a) a panel of the Complaints Committee under subsection 26 (3) of the Health Professions Procedural Code; or — (b) by the Executive Committee, Complaints Committee or Board under section 79.1 of the Health Professions Procedural Code. <p>— (2) If a matter respecting the member is referred to the Committee as provided in subsection (1), the Committee may require a member to undergo a psychological assessment or another assessment specified by the Committee.</p> <p>— (3) After receiving the report of an assessment under subsection (2), the Committee may require the member to undertake specified measures, such as education, therapy or counselling, and to complete those measures within a specified time period if the Committee is of the opinion that the measures will help the member to refrain from the type of behaviour or remarks referred to in subsection (1).</p> <p>— (4) The Committee shall not take any action under subsection (2) or (3) if,</p> <ul style="list-style-type: none"> — (a) the matter has been referred to the Discipline Committee or a finding of sexual abuse has been made against the member by the Discipline Committee; or — (b) the matter is before the Board or there has been a decision by the Board that is inconsistent with the referral to the Committee. O. Reg. 529/98, s. 1. 	<p>This provision has been removed because it is no longer in compliance with section 80.2 of the Code.</p>
<p>39. (1) If the member refuses to undergo an assessment under subsection 38 (2), refuses to undertake measures</p>	<p>39. (1) If the member refuses to undergo an assessment under subsection 38 (2), refuses to undertake measures</p>	<p>This provision has been removed because it is no longer in compliance</p>

CURRENT REGULATION	PROPOSED AMENDMENTS	RATIONALE / COMMENTS
<p>specified by the Committee under subsection 38 (3), or fails to complete those measures within the time period specified by the Committee, the Committee may direct the Registrar to impose terms, conditions or limitations on a member's certificate of registration, for a period not exceeding six months.</p> <p>(2) The Committee shall not make a direction to impose terms, conditions or limitations on a member's certificate of registration under subsection (1) unless it gives the member at least 14 days notice of its intention to make the direction and of the member's right to make a written submission to the Committee.</p> <p>(3) A member who receives notice under subsection (2) may make a written submission to the Committee within 14 days of receiving the notice.</p> <p>(4) The Committee may direct the Registrar to remove terms, conditions or limitations imposed under this section before the end of the specified period if the Committee is satisfied that the terms, conditions or limitations are no longer needed. O. Reg. 529/98, s. 1.</p>	<p>specified by the Committee under subsection 38 (3), or fails to complete those measures within the time period specified by the Committee, the Committee may direct the Registrar to impose terms, conditions or limitations on a member's certificate of registration, for a period not exceeding six months.</p> <p>—(2) The Committee shall not make a direction to impose terms, conditions or limitations on a member's certificate of registration under subsection (1) unless it gives the member at least 14 days notice of its intention to make the direction and of the member's right to make a written submission to the Committee.</p> <p>—(3) A member who receives notice under subsection (2) may make a written submission to the Committee within 14 days of receiving the notice.</p> <p>—(4) The Committee may direct the Registrar to remove terms, conditions or limitations imposed under this section before the end of the specified period if the Committee is satisfied that the terms, conditions or limitations are no longer needed. O. Reg. 529/98, s. 1.</p>	<p>with section 80.2 of the Code.</p>